

Docket No. F-8479

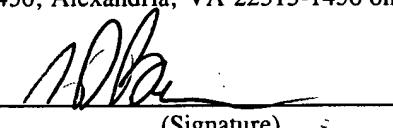
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Holger ZELLMER, et al.
Serial No. : 10/523,282
For : POCKELS CELL
Customer No. : 000028107

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on April 10, 2006.

T. David Bomzer
(Name)


(Signature)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

**SUPPLEMENTAL SUBMISSION FOR
REQUEST TO CORRECT INVENTORSHIP
UNDER 37 CFR 1.497**

Sir:

This is in response to the DECISION ON REQUEST UNDER 37 CFR 1.497 (d) mailed by the US Patent Office on March 10, 2006. Herewith, Applicant submits a statement from Holger Zellmer and Peter Riedel and a written consent of the assignee in compliance with 37 CFR 3.73(b). The


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Legal Staff
International Division
May 2006

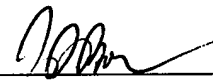
USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit
any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By 
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

and,

By 
T. David Bomzer
Reg. No. 48,770
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

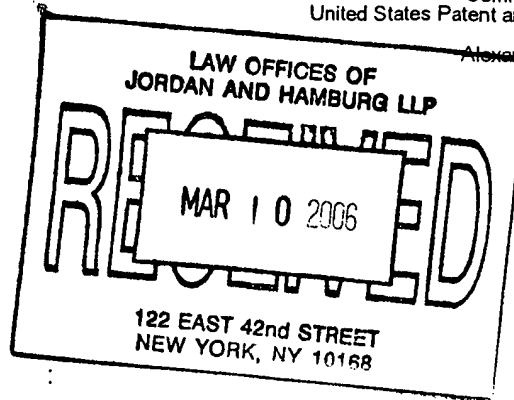


07 MAR 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jordan & Hamburg LLP
122 East 42nd Street
Suite 4000
New York, NY 10168



In re Application of
ZELLMER et al.
Application No.: 10/523,282
PCT No.: PCT/EP03/14462
Int. Filing Date: 18 December 2003
Priority Date: 19 December 2002
Attorney Docket No.: F-8479
For: POCKELS CELL

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This decision is in response to applicants' "Request to Correct Inventorship under 37 CFR 1.497" filed 28 November 2005. The \$130 petition fee under 37 CFR 1.17(h) has been charged to Deposit Account no. 10-1250, as authorized.

BACKGROUND

On 18 December 2003, applicants filed the above-captioned international application which claimed a priority date of 19 December 2002. The international application named: Holger Zellmer; Peter Riedel; and Thomas Fehn as applicant/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 19 June 2005.

On 03 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee; a translation of the international application; and an Information Disclosure Statement.

On 26 July 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 November 2005, applicants filed "Request to Correct Inventorship under 37 CFR 1.497" which included a declaration executed by: Stefan Balle; Sven Poggel; and Thomas Fehn.

On 24 January 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a

two-month time limit in which to respond.¹

DISCUSSION

In the instant case, the international application named Holger Zellmer; Peter Riedel; and Thomas Fehn as applicant/inventors. Applicants request to add Stefan Balle and Sven Poggel as applicant/inventors. Additionally, applicants request to delete Holger Zellmer and Peter Riedel as applicant/inventors. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicants have satisfied items (2) and (3).

Regarding item (1), applicants have not provided a statement from Holger Zellmer and Peter Riedel which states that the error in inventorship occurred without deceptive intent.

Regarding item (4) above, the written consent of the assignee is not acceptable. Firstly, the "Written Consent of the Assignee" does not list the name of the individual signing on behalf of LINOS Photonics GmbH & CO. KG. Secondly, the assignee has not established its ownership to the application in accordance with 37 CFR 3.73. See Manual of Patent Examining Procedure (MPEP) §324 and Statement under 37 CFR 3.73(b) (Form PTO/SB/96).

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is DISMISSED without prejudice.

The Notification of Missing Requirements dated 26 January 2006 was mailed in error and is hereby VACATED.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. A proper response must include a statement from Holger Zellmer and Peter Riedel and a written consent of assignee in compliance with 37 CFR 3.73(b). Extensions of time may be obtained under 37 CFR 1.136(a).

¹The Notification of Missing Requirements dated 26 January 2006 was mailed in error and is hereby vacated.

Any further correspondence with respect to this matter should be addressed to:
Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box
1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the
attention of the Office of PCT Legal Administration.



Anthony Smith

Attorney-Advisor

Office of PCT Legal Administration

Tel: (571) 272-3298

Fax: (571) 273-0459

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Docket No. F-8479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Holger ZELLMER, et al.
Serial No. : 10/523,282 (National Stage of PCT/EP03/14662)
For : POCKELS CELL
Customer No. : 000028107

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT BY HOLGER ZELLMER
TO BE REMOVED AS AN INVENTOR**

Sir:

I, Holger ZELLMER, a citizen of Germany, of Johannisring 42, 99441, Magdala, Germany, hereby requests to be removed as an additional inventor to the above-identified patent application. This request to be removed as an inventor occurred without deceptive intent. Furthermore, I am not an inventor of the invention disclosed in International Application PCT/EP03/14662 and my listing as an inventor in the International Application was an error which occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

F8479 removal inventor statement (PC14).wpd

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Ser. No. 10/523,282

statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 26-09-05By 
Holger ZELLMER

Docket No. F-8479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Holger ZELLMER, et al.
Serial No. : 10/523,282 (National Stage of PCT/EP03/14662)
For : POCKELS CELL
Customer No. : 000028107

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT BY PETER RIEDEL
TO BE REMOVED AS AN INVENTOR**

Sir:

I, Peter RIEDEL, a citizen of Germany, of Tatzendpromenade 32, 07745, Jena, Germany, hereby requests to be removed as an additional inventor to the above-identified patent application. This request to be removed as an inventor occurred without deceptive intent. Furthermore, I am not an inventor of the invention disclosed in International Application PCT/EP03/14662 and my listing as an inventor in the International Application was an error which occurred without deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false


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Ser. No. 10/523,282

statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 26.05.05

By



Peter RIEDEL

Docket No. F-8479

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Holger ZELLMER, et al.
Serial No. : 10/523,282 (National Stage of PCT/EP03/14662)
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Customer No. : 000028107

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Alexandria, VA 22313-1450

WRITTEN CONSENT OF THE ASSIGNEE

Sir:

LINOS Photonics GmbH & Co., KG, a corporation of Germany, located at Koenigsallee 23, 37081 Goettingen, Germany (hereinafter LINOS), is the Assignee of the above-identified patent application. LINOS has been assigned the entire right, title and interest of the subject matter disclosed in International Application PCT/EP03/14662 and the above identified patent application by virtue of an assignment which was recorded in the U.S. Patent Office at Reel 017268, Frame 0123.

LINOS hereby consents to Dr. Stefan Balle and Sven Poggel being added as additional inventors and Peter Riedel and Holger Zellmer being removed as inventors to the above identified patent application.

The undersigned is authorized to act on behalf of LINOS.

LINOS Photonics GmbH & Co., KG

Date March 17, 2006

By


(Signature)

Isabel von Diemar
(Printed or Typed Name,

BU Manager
Title,

+49-89-7202-555
Phone Number)

Pat9 Assignee Statement (PC19).wpd

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